IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 17512 of 2004

Between:

Md.Gafoor S/o.Rasool, Aged about 43 years,
Occu:Secretary, Primary Agricultural Cooperative Society,

Nidamanur Village and Mandal, Nalgonda District.

..... PETITIONER

AND

1. The Commissioner for Cooperation and Registrar of

Cooperative Societies, AP, Gruhakalpa, Nampally,
Hyderabad, A.P.
2. The Primary Agricultural Cooperative Society.
Nidamanur Village and Mandal, Nalgonda District
rep. by its Chairman-Cum-Person Incharge Committee.
3. The Divisional Cooperative Officer,

Miryalguda, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction, writ or order, one in the nature of Mandamus: a) Declaring the impugned proceedings dated 28-7-2004 bearing Rc.No.423/03 passed by the Respondent No.2 herein suspending the petitioner herein from service, is without jurisdiction; b) Also declare the action of the Respondent No.1 herein in not passing

any orders in the petition filed by the petitioner in the revision as arbitrary and illegal c) Granting all consequential benefits to the petitioner d) Awarding costs to the petitioner.

Counsel for the Petitioner: MR.M.RAMA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

The Court, at the stage of admission, made the following:

ORAL ORDER:

The petitioner was kept under suspension through the impugned order on the allegation of misappropriation of funds of the 2nd respondent-Society to a tune of Rs.1,84,884/-. The petitioner filed a revision on 16-08-2004 before the first respondent and it is pending consideration with the 1st respondent. During the pendency of the said revision petition, the petitioner approached this Court challenging the impugned order. The petitioner having opted to file the statutory remedy of the revision before the 1st respondent, is not expected to run parallel proceedings before this Court through this writ petition. The writ petition, therefore, cannot be maintained at this stage.

The writ petition is accordingly dismissed. The 1st respondent is directed to dispose of the revision petition filed by the petitioner on 16-08-2004 within eight (8) weeks from the date of receipt of a copy of this Order. No order as to costs.

_____ Dr.G.YETHIRAJULU,J.

Dated: 29th October, 2004.

*TSNR

To

1. The Commissioner for Cooperation and Registrar of

Cooperative Societies, AP, Gruhakalpa, Nampally,
Hyderabad, A.P.

2. The Chairman-Cum-Person Incharge Committee,

Primary Agricultural Cooperative Society,
Nidamanur Village and Mandal, Nalgonda District.

3. The Divisional Cooperative Officer,

Miryalguda, Nalgonda.

4. 2 CCs to the Government Pleader for Cooperation, High Court Buildings,
High Court of A.P., Andhra Pradesh(O.U.T)

5. 2.C.D copies.